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EXAMINER
PONIKIEWSKI, TOMASZ

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.</td><td>Applicant(s)</td></tr>
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<tr><td></td><td>Tomasz Ponikiewski</td><td>2165</td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23, 25-35* is/are rejected.

7)☒ Claim(s) *24* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/23/2003*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-35 are pending.

Claim Objections

2.   Claims 6 and 19 are objected to because of the following informalities: the

claims recite "sets of computer instructions". Where are those instructions stored, are

they executed, what do they do? Clarification is needed. Appropriate correction is

required.

3.   Claim 13 is objected to because of the following informalities: the claim is a

single means claim. A single means claim, I.e., where a means recitation does not

appear in combination with another recited element of means, is subject to an undue

breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-

715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every

conceivable means for achieving the stated purpose was held nonenabling for the

scope of the claim because the specification disclosed at most only those means known

to the inventor.). When claims depend on a recited property, a fact situation comparable

to Hyatt is possible, where the claim covers every conceivable structure (means) for

achieving the stated property (result) while the specification discloses at most only

those known to the inventor. Appropriate correction is required.

4.   Claims 17, 24-25, and 34 recite the word "for" in the body of the claims. It indicates intended use and as such does not carry patentable weight. The word could be changed to recite "to". The limitations following the phrase "for" describes only intended use but not necessarily required functionality of the claim. Limitations following the phrase "for" do not carry patentable weight, which cause the claims to appear as a series of non-functional descriptive material/data without any functional relation with each other. Applicant is required to amend the claims so that the claim limitations are recited in a definite form.

Claim 35 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim shall contain a reference, in the alternative only, to more than one claim previously set forth and then specify a further limitation of the subject matter claimed. See MPEP § 608.01(n). Claims should be written in the alternative.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   Claims 9-11, 17, 22, 25-28, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9-11 and 26-28 recite the limitation "said network" in line 2 of the claims.

There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the content" in line 5. There is insufficient

antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "the content" in line 2. There is insufficient

antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "the Internet" in line 3. There is insufficient

antecedent basis for this limitation in the claim.

Claim 33 recites "operable to produce". It is unclear to whom, why and where is

the production taking place. The claim is indefinite because of stated concerns.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1-5, 7-12, 14, 17-18, 20-22, 25-29, and 31-35 are rejected under 35

U.S.C. 102(e) as being anticipated by <u>Wilkinson et al</u>. (US 2002/0174182 A1).

        As per claim 1 <u>Wilkinson et al</u> is directed to a method for delivering presentations

associated with data mining models comprising the steps of:

        a) storing said data mining models and said presentations in a repository in a

data mining system (paragraph 0032, second column, lines 4-5, wherein information

associated with target could mean data models and presentations);

        b) associating ones of said data mining models with ones of said presentations

through references within ones of said presentations (paragraph 0032, second column,

lines 13-14, wherein "data mining models" could mean "interaction motivation plan";

paragraph 0032, second column, lines 29-33)

        c) receiving a request from a user for a presentation (paragraph 0032, second

column, lines 29-33);

        d) processing said request to determine an appropriate presentation

corresponding to said request; said request including a customer identification; said

request including an event identification; and, (paragraph 0037, second column, lines

10-11; paragraph 0038, lines 2-7)

        e) delivering said appropriate presentation to said user (paragraph 0037, second

column, lines 3-7; paragraph 0045, lines 10-11).

        As per claim 2 <u>Wilkinson et al</u> is directed to the steps of:

a) creating a database schema for said repository (paragraph 0040, lines 5-10,

wherein having fields could mean that they were specifically created);

b) creating said data mining models and importing said data mining models into

said data mining system; and, (paragraph 0032, second column, lines 14-15)

c) creating said presentations and importing said presentations into said data

mining system (paragraph 0032, second column, lines 1-3).

As per claim 3 <u>Wilkinson et al</u> is directed to the steps of:

a) receiving inputs from said user and from reporting systems included in said

data mining system (paragraph 0032, second column, lines 30-32);

b) updating ones of said data mining models and ones of said presentations

based on said inputs to produce ones of updated data mining models and ones of

updated presentations; and, (paragraph 0025, lines 12-15)

c) storing ones of said inputs, ones of said updated data mining models, and

ones of said updated presentations in said repository (paragraph 0026, lines 1-2;

paragraph 0026, lines 10-11).

As per claim 4, <u>Wilkinson et al</u> is directed to the steps of:

a) defining rules under which said data mining models are associated with said

presentations; and, (paragraph 0024; paragraph 0025, lines 3-6)

b) defining rules under which ones of said presentations are selected and

prepared for delivery (paragraph 0021, lines 10-12).

As per claim 5, <u>Wilkinson et al</u> is directed to said data mining models include simple and complex scores, static and dynamic scores, rules, rules sets, and rules systems, and composites and combinations of such scores, rules, rules sets, and rules systems (paragraph 0024, lines 7-9; wherein the "logical rules" could encompass all recited limitations).

As per claim 7, <u>Wilkinson et al</u> is directed to said presentations include simple presentations, range based presentations, and complex presentations (paragraph, 0022; paragraph 0023, lines 11-14; paragraph 0024, second column, lines 2-8).

As per claim 8, <u>Wilkinson et al</u> is directed to said steps are accomplished over network means including Internet means (paragraph 0046, line 9).

As per claim 9, <u>Wilkinson et al</u> is directed to said user includes data mining management consoles integrated with or connected over said network (paragraph 0031, line 5; paragraph 0046, line 9).

As per claim 10 <u>Wilkinson et al</u> is directed to said user includes applications running on a computer, system, or other appliance integrated with or connected over said network (figure 2B, number 238, 232; paragraph 0046).

As per claim 11 <u>Wilkinson et al</u> is directed to said user includes thin or thick clients in a client-server or browser-server environment integrated with or connected over said network (paragraph 0046, line 9).

As per claim 12, <u>Wilkinson et al</u> is directed to said inputs include attributes provided by or associated with said user including identity and locator (paragraph 0032, second column, lines 6-8; paragraph 0037, second column 10-11).

As per claim 14 <u>Wilkinson et al</u> is directed to reporting systems within said data mining system include outcome monitoring systems and presentation usage monitoring systems (paragraph 0021, page 3, lines 7-13).

As per claim 17 <u>Wilkinson et al</u> is directed to a data mining system for delivering presentations associated with data mining models, said data mining system comprising:

a) a repository for storing said data mining models and said presentations (paragraph 0032, second column, lines 4-5, wherein information associated with target could mean data models and presentations);

b) means for accessing, creating, updating, and importing said data mining models, said presentations, and the content and structure of said repository (paragraph 0032, second column, lines 14-15; paragraph 0032, second column, lines 13-14, wherein "data mining models" could mean "interaction motivation plan"; paragraph

0032, second column, lines 29-33; paragraph 0040, lines 5-10, wherein having fields

could mean that they were specifically created);

    c) means for selecting and preparing ones of said presentations for delivery to

users; and, (paragraph 0032, second column, lines 18-28)

    d) means for accessing said data mining system by said users, for receiving first

and second inputs from said users, and for delivering said presentations to said users

(paragraph 0045, lines 11-14).

    As per claim 18 <u>Wilkinson et al</u> is directed to said data mining models include

simple and complex scores, static and dynamic scores, rules, rules sets, and rules

systems, and composites and combinations of such scores, rules, rules sets, and rules

systems (paragraph 0024, lines 7-9; wherein the "logical rules" could encompass all

recited limitations).

    As per claim 20 <u>Wilkinson et al</u> is directed to said presentations include simple

presentations, range based presentations, and complex presentations (paragraph,

0022; paragraph 0023, lines 11-14; paragraph 0024, second column, lines 2-8).

    As per claim 21 <u>Wilkinson et al</u> is directed to said repository is a database having

a database schema and database management system (paragraph 0032, second

column, lines 4-5).

As per claim 22 <u>Wilkinson et al</u> is directed to said means for accessing, creating, updating, and importing said data mining models, said presentations, and the content and structure of said repository includes a data mining console system (paragraph 0032, second column, lines 14-15; paragraph 0032, second column, lines 13-14, wherein "data mining models" could mean "interaction motivation plan"; paragraph 0032, second column, lines 29-33; paragraph 0040, lines 5-10, wherein having fields could mean that they were specifically created).

As per claim 25 <u>Wilkinson et al</u> is directed to said means for accessing said data mining system by said users, for receiving first and second inputs from said users, and for delivering said presentations to said users includes networks including the Internet (paragraph 0032, second column lines 11-12, paragraph 0038, lines 8-10; paragraph 0046, lines 2-9).

As per claim 26 <u>Wilkinson et al</u> is directed said users include data mining management consoles integrated with or connected over said network (paragraph 0031, line 5; paragraph 0046, line 9).

As per claim 27 <u>Wilkinson et al</u> is directed said users include applications running on a computer, system, or other appliance integrated with or connected over said network (figure 2B, number 238, 232; paragraph 0046).

As per claim 28 <u>Wilkinson et al</u> directed said users include thin or thick clients in a client-server or browser-server environment integrated with or connected over said network (paragraph 0046, line 9).

As per claim 29 <u>Wilkinson et al</u> is directed to said first inputs include attributes provided by or associated with said users including identity and locator (paragraph 0032, second column, lines 6-8; paragraph 0037, second column 10-11).

As per claim 31 <u>Wilkinson et al</u> is directed to said data mining system includes reporting systems (paragraph 0021, page 3, lines 7-9).

As per claim 32 <u>Wilkinson et al</u> is directed to said reporting systems include outcome monitoring systems and presentation usage monitoring systems (paragraph 0021, page 3, lines 7-13).

As per claim 33 <u>Wilkinson et al</u> is directed to said reporting systems are operable to produce ones of said second inputs (paragraph 0021, page 3, lines 10-13).

As per claim 34 <u>Wilkinson et al</u> is directed to said data mining system includes servers, memory devices, processing units, input devices, output devices, display devices, and said users for storing and processing sequences of instructions and for enabling communications with said users (paragraph 0046).

As per claim 35 <u>Wilkinson et al</u> is directed to said sequences of instructions

which when executed cause the method of claims 1 through 4 to be performed

(paragraph 0032, second column, lines 4-5, wherein information associated with target

could mean data models and presentations; paragraph 0032, second column, lines 13-

14, wherein "data mining models" could mean "interaction motivation plan"; paragraph

0032, second column, lines 29-33; paragraph 0032, second column, lines 29-33;

paragraph 0032, second column, lines 29-33; paragraph 0037, second column, lines

10-11; paragraph 0038, lines 2-7; paragraph 0037, second column, lines 3-7; paragraph

0045, lines 10-11; paragraph 0040, lines 5-10, wherein having fields could mean that

they were specifically created; paragraph 0032, second column, lines 14-15; paragraph

0032, second column, lines 1-3; paragraph 0032, second column, lines 30-32;

paragraph 0025, lines 12-15; paragraph 0026, lines 1-2; paragraph 0026, lines 10-11;

paragraph 0024; paragraph 0025, lines 3-6; paragraph 0021, lines 10-12).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 6, 13, 15-16, 19, 23, and 30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wilkinson et al. (US 2002/0174182 A1).

As per claims 6 and 19 <u>Wilkinson et al</u> does not explicitly teach said

presentations include defined sets of content including data mining model references,

scores, rules, attributes, activity suggestions, to do lists, pop-up windows, HTML

segments, XML scripts, and sets of computer instructions.

<u>Wilkinson et al</u> does teach a behavior utilized to complete objective (paragraph

0030, lines 12-14).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include presentations include defined sets of content including

data mining model references, scores, rules, attributes, activity suggestions, to do lists,

pop-up windows, HTML segments, XML scripts, and sets of computer instructions

because completing objective means presenting suggestions, to do lists and other

limitation listed.

As per claims 13 and 23 <u>Wilkinson et al.</u> does not explicitly teach said step of

creating said presentations and said data mining models is accomplished by means

including text editor, scripting tool, web development tool, and HTML editor.

<u>Wilkinson et al</u> does teach adaptive changes (paragraph 0027, lines 22-24;

paragraph 0035, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include presentations include step of creating said presentations

and said data mining models is accomplished by means including text editor, scripting

tool, web development tool, and HTML editor because changing something requires an editor for customization and reuse which could mean all of the limitations of the instant claims.   .

As per claim 15 Wilkinson et al does not explicitly teach said inputs include updates, edits, modifications, deletions, replacements, suspensions, changes, improvements, and optimizations of said data mining models and said presentations.

Wilkinson et al does teach optimization (paragraph 0032, second column, lines 22-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include said inputs include updates, edits, modifications, deletions, replacements, suspensions, changes, improvements, and optimizations of said data mining models and said presentations because optimization could mean updating, editing, deleting, and other tasks stated in the claim.

As per claim 16, Wilkinson et al does not explicitly teach said step of updating said data mining models and said presentations includes editing, modifying, deleting, replacing, suspending, changing, improving, and optimizing said data mining models and said presentations.

Wilkinson et al does teach optimization (paragraph 0032, second column, lines 22-26).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include said step of updating said data mining models and said

presentations includes editing, modifying, deleting, replacing, suspending, changing,

improving, and optimizing said data mining models and said presentations because

optimization could mean updating, editing, deleting, and other tasks stated in the claim.

As per claim 30 Wilkinson et al does not explicitly teach said second inputs

include updates, edits, modifications, deletions, replacements, suspensions, changes,

improvements, and optimizations of said data mining models and said presentations.

Wilkinson et al does teach optimization (paragraph 0032, second column, lines

22-26).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include said second inputs include updates, edits, modifications,

deletions, replacements, suspensions, changes, improvements, and optimizations of

said data mining models and said presentations because optimization could mean

updating, editing, deleting, and other tasks stated in the claim.

Allowable Subject Matter

11.   Claim 24 objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims and if objection is overcome.

Conclusion

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tomasz Ponikiewski whose telephone number is (571)272-1721. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tomasz Ponikiewski
July 10, 2006

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